



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 30, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 30th, 2019:

H.B. 2036 dual enrollment; reported information; date (Cook)
H.B. 2080 civil rights restoration; application; procedures (J.Allen)
H.B. 2122 do-not-resuscitate orders; minors; parental consent (Barto)
H.B. 2271 public lands day; holiday (Dunn)
H.B. 2285 pharmacy benefit managers; pharmacy benefits (Cobb)
H.B. 2366 motor vehicle accidents; restricted license (Toma)
H.B. 2432 state treasurer's office; funds; consolidation (Cobb)
H.B. 2477 adjudication statutes; unconstitutional provisions; repeal (Bowers)
H.B. 2550 regulation; kratom products (Rivero)
H.B. 2606 share the road special plates (Shope)
S.B. 1016 ASRS; ineligible contributions; unfunded liability (Livingston)
S.B. 1177 home school district; special education (S. Allen)
S.B. 1442 state fleet; neighborhood electric vehicles (Pratt)
S.B. 1453 affordable homeownership special plate (Rios)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill

FILED
KATIE HOBBS
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 150
HOUSE BILL 2122

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-418; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-418, to read:

4 36-418. Do-not-resuscitate orders; minors; parental
5 communication; definitions

6 A. FOR AN UNEMANCIPATED MINOR WHO IS NOT UNDER JUVENILE COURT
7 JURISDICTION PURSUANT TO SECTION 8-202, A PROVIDER MAY NOT IMPLEMENT A
8 DO-NOT-RESUSCITATE ORDER WITHOUT COMMUNICATING WITH AT LEAST ONE OF THE
9 MINOR'S PARENTS OR THE MINOR'S LEGAL GUARDIAN. THE COMMUNICATION MUST
10 INCLUDE A DISCUSSION OF BOTH OF THE FOLLOWING:

11 1. THE MINOR'S CARE PLAN, INCLUDING IMPLEMENTING A
12 DO-NOT-RESUSCITATE ORDER AND WHAT THE DO-NOT-RESUSCITATE ORDER MEANS FOR
13 THE MINOR.

14 2. THE RIGHTS PROVIDED UNDER SUBSECTIONS E AND G OF THIS SECTION.

15 B. THE COMMUNICATION WITH THE MINOR'S PARENTS OR LEGAL GUARDIAN
16 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE MADE WITH A WITNESS
17 PRESENT, OTHER THAN THE PARENTS OR LEGAL GUARDIAN, WHO IS WILLING TO
18 CONFIRM THAT THIS COMMUNICATION TOOK PLACE. THE PROVIDER SHALL
19 IMMEDIATELY DOCUMENT AND RECORD THE COMMUNICATION IN THE MINOR'S MEDICAL
20 RECORD INDICATING WHOM THE COMMUNICATION WAS WITH, WHO WITNESSED THE
21 COMMUNICATION AND THE DATE AND TIME OF THE COMMUNICATION. THE PROVIDER
22 SHALL ASK THE MINOR'S PARENTS OR LEGAL GUARDIAN TO SIGN A WRITTEN
23 ACKNOWLEDGEMENT OF THIS COMMUNICATION.

24 C. THE REQUIREMENTS OF SUBSECTIONS A AND B OF THIS SECTION DO NOT
25 APPLY IF THE PROVIDER MAKES A REASONABLY DILIGENT AND DOCUMENTED EFFORT TO
26 CONTACT THE MINOR'S PARENTS OR LEGAL GUARDIAN WITHOUT SUCCESS FOR AT LEAST
27 FORTY-EIGHT HOURS. IF A DO-NOT-RESUSCITATE ORDER IS ENTERED FOR THE
28 MINOR, THE REASON FOR THAT ORDER SHALL BE DOCUMENTED IN THE MINOR'S
29 MEDICAL RECORD.

30 D. THIS SECTION DOES NOT REQUIRE A PROVIDER TO INITIALLY PROVIDE OR
31 CONTINUE RESUSCITATIVE MEASURES ON A MINOR IF THE RESUSCITATIVE MEASURES
32 WOULD BE MEDICALLY INAPPROPRIATE BECAUSE PROVIDING THE TREATMENT WOULD, IN
33 THE PROVIDER'S REASONABLE MEDICAL JUDGMENT, EITHER:

34 1. CREATE A GREATER RISK OF CAUSING OR HASTENING THE MINOR'S DEATH.

35 2. BE POTENTIALLY HARMFUL OR CAUSE UNNECESSARY PAIN, SUFFERING OR
36 INJURY TO THE MINOR BECAUSE THERE IS NO FURTHER BENEFIT TO THE MINOR IN
37 PERFORMING RESUSCITATIVE MEASURES.

38 E. AT ANY POINT DURING THE PROCESS DESCRIBED IN SUBSECTIONS A AND B
39 OF THIS SECTION, A PARENT OR LEGAL GUARDIAN HAS THE RIGHT TO REQUEST THAT
40 THE MINOR BE TRANSFERRED TO ANOTHER FACILITY. IF THE PARENT OR LEGAL
41 GUARDIAN REQUESTS A TRANSFER, THE PROVIDER SHALL PROVIDE REASONABLE TIME
42 FOR THE PARENT OR LEGAL GUARDIAN TO FIND ANOTHER PROVIDER THAT WILL ACCEPT
43 THE MINOR BEFORE IMPLEMENTING A DO-NOT-RESUSCITATE ORDER. THE PROVIDER
44 SHALL PROVIDE THE MINOR'S MEDICAL RECORDS TO ANY ACCREDITED FACILITY THAT
45 REQUIRES THE MEDICAL RECORDS TO DETERMINE WHETHER THE FACILITY IS WILLING

1 TO CARE FOR THE MINOR. IF AN ACCREDITED FACILITY IS WILLING TO ACCEPT THE
2 MINOR, THE PROVIDER SHALL MAKE REASONABLE EFFORTS TO FACILITATE THE
3 TRANSFER.

4 F. A PARENT OR GUARDIAN MAY PETITION A SUPERIOR COURT IN THE COUNTY
5 IN WHICH THE MINOR RESIDES OR IN WHICH THE MINOR IS RECEIVING TREATMENT
6 FOR AN ORDER ENJOINING A VIOLATION OR THREATENED VIOLATION OF THIS SECTION
7 OR TO RESOLVE A CONFLICT BETWEEN THE PARENTS. ON RECEIVING A PETITION,
8 THE SUPERIOR COURT SHALL ISSUE AN ORDER FIXING THE DATE, TIME AND PLACE OF
9 A HEARING ON THE PETITION AND ORDER THAT NOTICE OF THE HEARING BE GIVEN TO
10 THE INTERESTED PARTIES. A PRELIMINARY HEARING MAY BE HELD WITHOUT NOTICE
11 IF THE COURT DETERMINES THAT HOLDING THAT HEARING WITHOUT NOTICE IS
12 NECESSARY TO PREVENT IMMINENT DANGER TO THE MINOR'S LIFE. IN THE COURT'S
13 DISCRETION, A HEARING MAY BE CONDUCTED IN A COURTROOM, IN A HEALTH CARE
14 FACILITY OR AT SOME OTHER SUITABLE PLACE. A DO-NOT-RESUSCITATE ORDER MAY
15 NOT BE IMPLEMENTED PENDING THE FINAL DETERMINATION OF THE PROCEEDINGS,
16 INCLUDING ANY APPEALS.

17 G. ON REQUEST OF A PATIENT OR RESIDENT OR A PROSPECTIVE PATIENT OR
18 RESIDENT, A PROVIDER SHALL DISCLOSE IN WRITING ANY POLICIES RELATING TO A
19 PATIENT OR RESIDENT OR THE SERVICES A PATIENT OR RESIDENT MAY RECEIVE
20 INVOLVING RESUSCITATION OR LIFE-SUSTAINING MEASURES, INCLUDING ANY
21 POLICIES RELATED TO TREATMENTS DEEMED NONBENEFICIAL, INEFFECTIVE, FUTILE
22 OR INAPPROPRIATE. THIS SUBSECTION DOES NOT REQUIRE A PROVIDER TO HAVE A
23 WRITTEN POLICY RELATING TO OR INVOLVING RESUSCITATION, LIFE-SUSTAINING
24 MEASURES OR NONBENEFICIAL TREATMENT FOR UNEMANCIPATED MINOR PATIENTS OR
25 ADULT PATIENTS OR RESIDENTS.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "DO-NOT-RESUSCITATE ORDER":

28 (a) MEANS AN ORDER IN A PATIENT'S MEDICAL RECORD THAT REFLECTS A
29 DECISION TO FORGO CARDIOPULMONARY RESUSCITATIVE MEASURES.

30 (b) DOES NOT INCLUDE WITHHOLDING OTHER MEDICAL INTERVENTIONS DEEMED
31 NECESSARY TO PROVIDE A PATIENT WITH COMFORT CARE OR TO ALLEVIATE PAIN.

32 2. "PROVIDER" MEANS A HEALTH CARE FACILITY, A NURSING HOME, A
33 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 OR A
34 NURSE WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

35 Sec. 2. Short title

36 This act may be cited and known as "Simon's Law".

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.

Passed the House March 4, 2019

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

☒ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate April 16, 2019

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

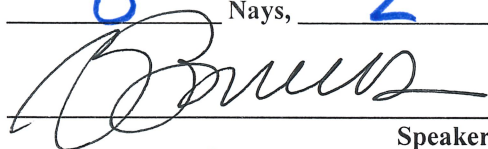
H.B. 2122

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

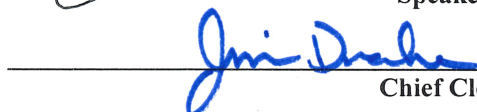
April 24, 2019,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House



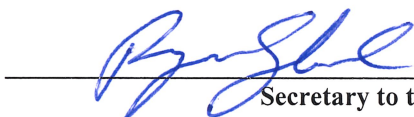
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of April, 2019,

at 3:59 o'clock P M.

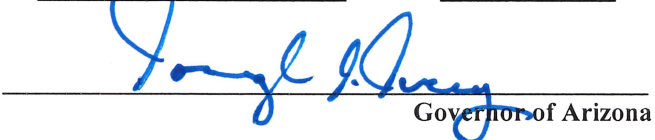


Secretary to the Governor

Approved this 30th day of

April, 2019,

at 4:09 o'clock P M.



Governor of Arizona

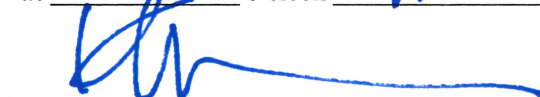
H.B. 2122

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 2019,

at 5:45 o'clock P. M.



Secretary of State